



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MONTANA STATE OFFICE
222 NORTH 32ND STREET
P.O. BOX 36800
BILLINGS, MONTANA 59107-6800

June 5, 1991



IN REPLY TO:

MTM 22172
SDR-922-91-17
3165.3 (922.L)

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Mr. Harvey J. Damstrom)
Balcron Oil Company) SDR No. 922-91-17
P.O. Box 21017)
Billings, Montana 59104)

DISMISSED - UNTIMELY FILED

On June 4, 1991, we received your letter dated June 3, 1991 (Attachment 1), which was in response to the drainage decision letter issued by the Lewistown District Office (LDO) on April 30, 1991 (Attachment 2). The LDO decision required Balcron Oil Company (Balcron) to pay compensatory royalty on gas drained by McCracken No. 1C-23 located in the ~~NE1/4~~ Section 23, T. 29 N., R. 2 W., Pondera County, Montana, from Federal oil and gas lease No. MTM 22172.

The regulations at 43 CFR 3165.3(b) states that a request for an SDR, including all supporting documentation, shall be filed in writing with the appropriate State Director within 20 business days of the date such notice of violation or assessment or instruction, order, or decision was received or considered to have been received and shall be filed with the appropriate State Director. Balcron received the certified decision letter from the LDO on May 1, 1991 (Attachment 3), and this office received the Balcron letter on June 4, 1991.

Because the SDR request was untimely received pursuant to 43 CFR 3165.3(b), we hereby dismiss the SDR filed by Balcron.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and the attached Form 1842-1 (Attachment 4). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the

Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the decision appealed from is in error.



Donald L. Gilchrist
Deputy State Director
Division of Mineral Resources

4 Attachments

- 1-Balcron letter dated June 3, 1991 (6 p)
- 2-LDO decision letter dated April 30, 1991 (2 pp)
- 3-Certified-Return Receipt (1 p)
- 4-Form 1842-1 (1 p)

cc: (w/ encls.)
DM, Lewistown